

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, MAY 4, 1998
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 2:08 p.m. Mayor Golding convened the Special Joint Meeting of the City Council with the Redevelopment Agency, and the Meeting of the Redevelopment Agency at 3:50 p.m., simultaneously with the Council Meeting. At 4:09 p.m. Mayor Golding adjourned the Special Joint Meeting of the City Council with the Redevelopment Agency, and the Meeting of the Redevelopment Agency.

Mayor Golding adjourned the meeting at 5:54 p.m. to Closed Session at 9:00 a.m. on Tuesday, May 5, 1998, in the twelfth floor conference room to discuss existing and anticipated litigation, conference with Real Property Negotiator, and conference with Labor Negotiator.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present
- Clerk-Abdelnour (ms)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

ITEM-10: INVOCATION

Invocation was given by Reverend Julius Bennett of the Macedonia Baptist Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Mathis.

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Don Stillwell regarding the election. He reminded everyone that today is the last day to register for the June 2 election. He considers this a general election because anyone or anything that gets more than 50% of the vote on June 2 is decided and will never get to the November general election. The Convention Center will be decided on June 2 because it is a yes or no vote. He encouraged people to vote in the June 2 election.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A029-054.)

ITEM-PC-2:

Comment by Bob Thompson regarding the homeless. There are homeless people who want to work and need jobs, but they need an address and phone number to get jobs. They also need medical help and a year round shelter.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A055-076.)

ITEM-PC-3:

Comment by Shawnie about the homeless and the need for year round shelters. The Native Americans are able to take care of their people on the reservation, but off the reservation the homeless people are not taken care of and do not have shelter.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A077-090.)

ITEM-PC-4:

Comment by Daniel Beeman regarding justice. He thinks there is injustice to citizens of San Diego when they seek information and answers to serious questions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A091-123.)

ITEM-PC-5:

Nancy Hughes Beckett, Executive Director of People for Trees, presented the annual Tree Hero Award to Council Member Wear. This is in honor of National Arbor Day.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A124-163.)

ITEM-PC-6:

Comment by Joseph Fox regarding the lack of communication in the City. He has spoken before on this subject and still has a problem of not receiving responses to his communications to the City.

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for the Regular Meeting of Monday, May 4, 1998**

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FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A165-179.)

COUNCIL COMMENT:

ITEM-CC-1:

Council Member Vargas thanked the City Attorney and his staff for doing a wonderful job. The City Attorney's Office recently defended him in a case and Frank Devaney, the attorney who defended him, did an outstanding job.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A180-210.)

ITEM-CC-2:

Council Member Kehoe said the fourth annual Home Buyers Fair was held Saturday in Balboa Park and about 1200 people attended. It was a great success. She thanked Neighborhood Housing Services for helping to organize the event, and thanked the City Manager for the help given by the Parks and Recreation Department.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A211-224.)

ITEM-CC-3:

Council Member Stallings said they had a great concrete pour at Cadman School in Clairemont on Saturday. The concrete pour was the beginning of a little Padres Park which will be completed by the end of May. A lot of people worked together to put in a wonderful ballpark for the kids at Cadman School.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A225-230.)

ITEM-CC-4:

Council Member McCarty spoke about the Pothole Patrol with the San Diego State University students using their new technology of global positioning. With this technology, very quickly you can identify where the potholes are and what kind of potholes you have. The entire City could be done for \$6,000, which she thinks would be a good deal.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A230-244.)

ITEM-CC-5:

Council Member Wear said they have an ongoing program of looking for, writing down, and calling in the potholes in District 2. They have identified 250 potholes so far and they will continue doing this community by community.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A245-251.)

ITEM-CC-6:

Mayor Golding spoke about the availability of beds in shelters for the homeless. As of 10:00 a.m. this morning there were 28 beds available. Anyone wishing to make use of these can call at 5:00 p.m. to the U.S. Mission. Anyone trying to obtain shelter can call the info line at 230-0997. That info line will tell you what beds are available in more than two dozen shelters for the homeless available in the County. The City of San Diego has six shelters in downtown San Diego alone, and Father Joe Carroll has stated that no one will be turned away who is seeking shelter through the middle of May, so there is no reason why anyone has to sleep outside. She urged the homeless to make use of the facilities that are available in San Diego.

Mayor Golding also announced that Council Member Mathis is a grandfather for the first time.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A252-272.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

4/6/98 Adjourned
4/7/98
4/13/98 Adjourned
4/14/98 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A273-287.)

MOTION BY KEHOE TO APPROVE. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31:

SUBJECT: National Tourism Week.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1116) ADOPTED AS RESOLUTION R-289999

Recognizing the importance of the Visitor Industry to the San Diego region;

Declaring the week of May 3 through 9, 1998 to be "National Tourism Week" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A289-334, A408-412.)

MOTION BY STALLINGS TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-32:

SUBJECT: Mingei International Museum Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1112) ADOPTED AS RESOLUTION R-290000

Commending Mingei International Museum for twenty years of presenting quality visual arts and education to the San Diego community;

Proclaiming May 5, 1998 to be "Mingei International Museum Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A340-412.)

MOTION BY STALLINGS TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-33:

SUBJECT: Honoring Teen Challenge.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1096) ADOPTED AS RESOLUTION R-290001

Recognizing the extraordinary accomplishments of Teen Challenge.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A413-452, A567-571.)

MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-34:

SUBJECT: I Love Mira Mesa Day.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1223) ADOPTED AS RESOLUTION R-290002

Proclaiming May 2, 1998 to be "I Love Mira Mesa Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A453-571.)

MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-50:

SUBJECT: An Interim Ordinance Establishing a Custom Poultry Processing Conditional Use Permit.

(City Heights, Normal Heights, & Kensington/Talmadge Community Areas. Districts-3 & 7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/20/98. (Council voted 7-0. District 8 and Mayor not present):

(O-98-109) ADOPTED AS ORDINANCE O-18503 (New Series)

An Interim Ordinance amending Chapter X, Article 1, Division 5, of the San Diego Municipal Code by adding Section 101.0519 relating to Custom Processing of Poultry within the Mid-City Planning Area.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-51:

SUBJECT: Rezoning 4.13 Acres Located at 5520 Morehouse Drive - Hilton Garden Inn.

(RZ-96-7896. Mira Mesa Community Area. District-5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/21/98. (Council voted 6-0. Districts 5, 8, and Mayor not present):

(O-98-116) ADOPTED AS ORDINANCE O-18504 (New Series)

Rezoning 4.13 acres located at 5520 Morehouse Drive, from the M-1B (Manufacturing) zone into the M1 (Manufacturing) Zone.

FILE LOCATION: ZONE 96-7896 (65)

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-52:

SUBJECT: Four actions related to the Mission City Specific Plan.

(Mission Valley Community Area. District-6.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 4/21/98. (Council voted 6-0. Districts 5, 8, and Mayor not present.):

Subitem-A: (O-98-110) ADOPTED AS ORDINANCE O-18505
(New Series)

Rezoning 133.2 acres into RX-1-1, RX-1-2, RT-1-1, RT-1-2, RT-1-3, RT-1-4, RM-1-1, RM-1-2, RM-1-3, RM-2-4, RM-2-5, or RM-2-6 Zones.

Subitem-B: (O-98-113) ADOPTED AS ORDINANCE O-18506
(New Series)

Rezoning 95.4 acres located south of Friars Road, between Interstate 15 and 805, into the OF-1-1, CR-1-1 and CC-3-5 Zones.

Subitem-C: (O-98-119) ADOPTED AS ORDINANCE O-18507
(New Series)

Adopting the Mission City Overlay Zone; applying the Mission City Overlay Zone to 229 acres; and applying the Land Development Code to development within the boundaries of the Mission City Specific Plan.

Subitem-D: (O-98-112) ADOPTED AS ORDINANCE O-18508
(New Series)

Approving the amended and restated development agreement between the City of San Diego and H.G. Fenton Material Company (Mission City).

FILE LOCATION: SUBITEMS A-D: LAND-Mission City Specific Plan

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-53:

SUBJECT: Creating a Qualcomm Stadium Advisory Board.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced as amended on 3/24/98. Council voted 5-3. (Councilmembers Mathis, Wear, Stevens, McCarty and Vargas voted yea. Councilmembers Kehoe, Stallings and Mayor Golding voted nay. Councilmember Warden not present.)

(O-98-101 Rev.) ADOPTED AS ORDINANCE O-18509 (New Series)

Amending the San Diego Municipal Code by amending Chapter II, Article 6, by adding Division 13, Section 26.1301, 26.1302 and 26.1303, creating a Qualcomm Stadium Advisory Board.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-nay, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-nay.

* ITEM-54:

SUBJECT: Two actions related to Emergency Storage Program
Agreements with the San Diego County Water Authority
for San Vicente and Lake Hodges Dams and Reservoirs.

(See City Manager Report CMR-98-60. San Pasqual/Lake
Hodges Community Area. District-5.)

TODAY'S ACTIONS ARE:

Introduction of the ordinance in Subitem A and adoption of
the resolution in Subitem B:

Subitem-A: (O-98-121) INTRODUCED, TO BE ADOPTED
MAY 18, 1998

Introduction of an Ordinance authorizing the City
Manager to execute an agreement with the San Diego
County Water Authority for use of the San Vicente
Reservoir as part of the Emergency Storage Project;

Authorizing the City Manager to execute an agreement
with the San Diego County Water Authority for use of
the Lake Hodges Dam and Reservoir as part of the
Emergency Storage Project.

Subitem-B: (R-98-1185) ADOPTED AS RESOLUTION R-290003

Stating for the record that the information contained
in the final joint Environmental Impact
Report/Environmental Impact Statement EIR/EIS No. LDR
R&C File No. 95-18, prepared by the San Diego County
Water Authority, including any comments received during
the public review process, has been reviewed and
considered by Council in connection with the use of San
Vicente Reservoir and Lake Hodges Dam and Reservoir as
part of the Emergency Storage Project;

Declaring that the San Diego County Water Authority as
co-lead agency pursuant to CEQA (with the U.S. Army
Corps of Engineers (ACOE) as NEPA lead federal agency)
completed a joint EIR/EIS (SCH No. 93011028, dated
July, 1996) covering this activity. This previously

certified Final EIR/EIS (CWA - August, 1996, ACOE/ROD September, 1997), was reviewed and considered by the City of San Diego prior to this current action.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 3/25/98, NR&C voted 4-0 to approve on consent recommending the City Council approve the City Manager's recommendation contingent upon adoption of a financing plan. (Councilmembers Mathis, Wear, Kehoe, and Stallings voted yea. Councilmember Warden not present.)

FILE LOCATION: SUBITEM A: NONE, SUBITEM B: MEET

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO INTRODUCE THE ORDINANCE FOR SUBITEM A, AND TO ADOPT THE RESOLUTION FOR SUBITEM B. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-55:

SUBJECT: Approval of Regional Wastewater Disposal Agreement with Participating Agencies.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-98-122) INTRODUCED, TO BE ADOPTED MAY 18, 1998

Introduction of an Ordinance authorizing the City Manager to execute a Regional Wastewater Disposal Agreement to supersede the Regional Wastewater Disposal Agreement of 1963, with the following entities: City of Chula Vista; City of Coronado; City of Del Mar; City of El Cajon; City of Imperial Beach; City of La Mesa; Lakeside/Alpine Sanitation Districts; Lemon Grove Sanitation District; City of National City; Otay Water District; Padre Dam Municipal Water District; City of Poway; Spring Valley Sanitation District; and Winter Gardens Sewer Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

Since 1963, the City of San Diego has treated the sewage of fourteen participating agencies under sewage disposal agreements that contemplated the operation of only one treatment facility at Point Loma and provided for a forty-year term with one ten-year extension. Unless extended, these agreements will expire in 2003. When disputes arose over the responsibility to pay for water reclamation required by the Ocean Pollution Reduction Act (OPRA), the Council authorized initiation of litigation, City of San Diego v. City of Coronado, et al, to assure full payment of all proportional charges disputed by the Participating Agencies. Seeking a negotiated settlement of the disputes over the agreements and the benefits of an extended agreement, the Mayor and City Council took the following actions: 1) August 6, 1996: set objectives for the City Manager and City Attorney in pursuing extended agreements; 2) November 12, 1996: approved thirteen Principles of Understanding; 3) February 18, 1997: reviewed fiscal impacts of the Principles of Understanding and directed further negotiations; and 4) August 12, 1997: approved an outline (Deal Points) of the revised agreements that preserved City ownership of the system, provided for proportionate payment of all facilities required by law, and extended the agreement through the year 2050. Working continuously since August, 1996, the City has reached a draft agreement with the Participating Agencies that is consistent with the Deal Points authorized by Council's August 12, 1997 action. On February 24, 1998, the Mayor and Council conceptually approved the draft agreement and directed City staff to return to the Mayor and Council in approximately 30 days to report on the approval of the agreement by the Participating Agencies. As of April 8, 1998, eight of the Participating Agencies have approved the agreement, the remaining seven agencies have docketed the agreement for consideration by April 21, 1998. The City Manager recommends that the Mayor and Council approve the new Disposal Agreement, authorize City staff to bill on a cash basis those agencies that do not execute the new agreement, and to pursue payment, through arbitration or other appropriate means, from any agency that does not pay its bills as received.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO INTRODUCE THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-56:

SUBJECT: Service Worker Retention Ordinance.

TODAY'S ACTION IS:

Introduction of the following ordinance:

(O-98-125) REFERRED TO THE CITY ATTORNEY

Introduction of an Ordinance amending Chapter II,
Article 2, of the San Diego Municipal Code by adding
Division 28 pertaining to Service Worker Retention.

RULES COMMITTEE'S RECOMMENDATION:

On 11/17/97, RULES voted 3-2 to approve the conceptual language outlined in Attachment 4 of the memorandum presented to the Rules Committee from Deputy Mayor Warden. Motion included a requirement, stipulated by Councilmember Wear, that an interview be offered to each individual currently employed by the existing contractor. The matter of a 60-day versus a 90-day notice was left to be determined by the full Council. (Councilmembers Wear, Warden and Mayor Golding voted yea. Councilmembers Mathis and Stevens voted nay.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D101-E199.)

MOTION BY VARGAS TO REFER THIS TO THE CITY ATTORNEY TO REVISE THE ORDINANCE FOR THE ITEM. I HAVE TAKEN THE ORDINANCE PREVIOUSLY PRESENTED BY THE LABOR COUNCIL, MADE SOME CHANGES TO IT, AND DISTRIBUTED IT TO THE CITY COUNCIL MEMBERS WITH MY MEMO DATED MAY 4, 1998. I REQUEST THAT THE CITY ATTORNEY'S OFFICE REVIEW THIS FOR LEGALITY AND ANY LEGAL PROBLEMS. THE EMPLOYEES SHOULD BE RETAINED FOR 90 DAYS AS DESCRIBED IN SECTION 3(B); THERE SHOULD BE A DATE OF HIRE RETENTION; AND A PREFERENTIAL HIRING LIST OF EMPLOYEES NOT RETAINED BY THE CONTRACTOR SO THEY COULD AGAIN RETAIN EMPLOYMENT. AS DESCRIBED IN SECTION 3(E), CAUSE WOULD BE

THE ISSUE FOR DISCHARGE, AND THERE WOULD HAVE TO BE A REASON FOR DISMISSAL. EMPLOYEES WOULD HAVE PERFORMANCE EVALUATIONS. WE WOULD NOT GUARANTEE THAT THE EMPLOYEES WOULD HAVE PERMANENT EMPLOYMENT, BUT WE WOULD GIVE THEM THAT OPPORTUNITY. Second by Stevens.

Substitute motion by Warden to support what the Rules Committee approved, with a 90 day notice period, and to introduce the ordinance. Second by McCarty. Failed by the following vote: Mathis-nay, Wear-nay, Kehoe-nay, Stevens-nay, Warden-yea, Stallings-nay, McCarty-yea, Vargas-nay, Mayor Golding-yea.

Motion by Vargas passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-nay, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-nay.

* ITEM-100:

SUBJECT: Two actions related to the Final Subdivision Map of Monarch Estates Unit No. 10.

(A 43-lot subdivision. Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1091) ADOPTED AS RESOLUTION R-290004

Authorizing a Subdivision Improvement Agreement with Pardee Construction Company, for the installation and completion of public improvements.

Subitem-B: (R-98-1090) ADOPTED AS RESOLUTION R-290005

Approving the final map.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 9.519 acre site into 43 lots for residential development. It is located south of Calle Cristobal and west of Camino Santa Fe in the Mira Mesa Community Plan Area. On August 9, 1990, the Planning Commission of the City of San Diego approved Planning Commission Resolution No.

0738-PC for Monarch Estates Unit No. 10. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 25692-1-D through 25692-25-D, filed in the Office of the City Clerk under Micro Number 138.87. All improvement are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$731,121 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$4,650, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Mira Mesa Facilities Benefit Assessment (FBA) District, which provides for the payment of FBA (including parks), at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development.

FILE LOCATION: SUBITEMS A AND B: SUBD-Monarch Estates
Unit No. 10

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO APPROVE THE RESOLUTIONS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-101:

SUBJECT: Four actions related to the Final Subdivision Map of Carmel Valley Neighborhood 10 North Units No. 7, 8, and 10. (An 88-lot subdivision located south of Carmel Valley Road and west of Carmel Country Road. Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1178) ADOPTED AS RESOLUTION R-290006

Authorizing a Subdivision Improvement Agreement with Pardee Construction Company for the installation and completion of public improvements.

Subitem-B: (R-98-1177) ADOPTED AS RESOLUTION R-290007

Approving the final map.

Subitem-C: (R-98-1179) ADOPTED AS RESOLUTION R-290008

Authorizing a Landscape Maintenance Agreement with Pardee Construction Company for the maintenance and monitoring of landscaping within the public rights-of-way.

Subitem-D: (R-98-1180) ADOPTED AS RESOLUTION R-290009

Accepting a grant deed of Pardee Construction Company and Shaw Valley I, LLC, granting to the City Lot A.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 34.745 acres site into 88 lots for residential development. It is located south of Carmel Valley Road and west of Carmel Country Road in the Carmel Valley Community Plan Area. On February 20, 1997 the Planning Commission of the City of San Diego approved Planning Commission Resolution No. 2252-PC-2 for Carmel Valley Neighborhood 10 North. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 28845-1-D through 28845-29-D, filed in the Office of the City Clerk under Micro Number 139.69. All improvements are to be completed within 2 years. The Engineer's estimate for the cost of public improvements is \$1,816,695 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$19,800, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Carmel Valley Facilities Benefit Assessment (FBA) District, which provides for the payment of FBA

(including parks), at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development". Subdivider shall enter into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances within the City right-of-way, adjacent to this subdivision until another mechanism is established and assumes maintenance responsibility. Lot "A" is being deeded by separate instrument to the City at no cost as condition of Tentative Map approval. The lot totals 25.920 acres in size. No park fee credit is being granted by this action. This lot is to be used for open space purposes.

FILE LOCATION: SUBITEMS A THRU C: SUBD-Carmel Valley
Neighborhood 10 North Units No. 7, 8,
and 10. SUBITEM D: DEED F-7235

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTIONS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-102:

SUBJECT: Cortez Hill (7th Avenue to 10th Avenue, A Street to Cedar Street) Underground Utility District.

(Centre City Community Area. Districts-2 & 3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1067) ADOPTED AS RESOLUTION R-290010
Calling a public hearing to determine whether the
public health, safety, or general welfare requires the

formation of the Cortez Hill (7th Avenue to 10th Avenue, A Street to Cedar Street) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, Annual Allocation - Undergrounding of City Utilities, and will underground the overhead utility facilities on Cortez Hill (7th Avenue to 10th Avenue, A Street to Cedar Street) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case No. 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the undergrounding work approaches completion.

FILE LOCATION: STRT-K-247

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-103:

SUBJECT: Market Street (12th to 26th) Underground Utility District.

(Sherman Heights/Centre City Community Areas.
District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1066) ADOPTED AS RESOLUTION R-290011

Designating August 24, 1998 as the date upon which all property in the Market Street (12th to 26th) Underground Utility District must be ready to receive underground service and November 27, 1998 as the date for the removal of all overhead utility facilities;

Authorizing the City Auditor and Comptroller to open Fund 78012 for the purpose of depositing Public Utilities Commission Case 8209 Utility Undergrounding Allocation Funds for the Market Street (12th to 26th) Underground Utility District;

Authorizing the City Treasurer to receive these funds from the San Diego Gas & Electric Company;

Authorizing payment to all property owners in the Market Street (12th to 26th) Underground Utility District as reimbursement for electrical service underground conversion work done on private property;

Authorizing the City Auditor and Comptroller to return to SDG&E any undisbursed funds upon written notice from SDG&E to the City that all electrical service conversions within this particular district have been completed.

CITY MANAGER SUPPORTING INFORMATION:

The Market Street (12th to 26th) Underground Utility District was created by the City Council on December 9, 1997. The resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set August 24, 1998 as the Customer Ready Date, which will require that upon this date, all affected customers within the underground utility district must have their services prepared to receive service from the new underground system. This action will also establish November 27, 1998 as the Pole Removal Date, which will require that upon this date, all overhead facilities within the underground utility district must be removed. The utility companies concur with these proposed dates. Council Policy 800-2 provides for the use

of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench for electrical and conduit up to a maximum of \$1,800.00 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box which typically ranges from \$300-\$1,500.

FILE LOCATION: STRT-K-243

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-104:

SUBJECT: Two actions related to North Park Lighting and Landscape District.
(North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1162) ADOPTED AS RESOLUTION R-290012

Resolution of Intention to levy and collect 1999 Annual Assessments on North Park Lighting and Landscape District.

Subitem-B: (R-98-1163) ADOPTED AS RESOLUTION R-290013

Approving the City Engineer's Report.

CITY MANAGER SUPPORTING INFORMATION:

The North Park Lighting and Landscape District (LLD) was established in July of 1996 to provide maintenance of the

landscaping improvements and street lights within the district boundaries. Funding for the district's proposed capital improvement program will be provided from a portion of the district's assessments through Fiscal Year 2003. The Fiscal Year 1999 proposed maintenance costs for the district are as follows:

DESCRIPTION	OPERATIONS	FUND RESERVE	TOTAL
BEGINNING BALANCE	\$ 0.00	\$ 50,006.00	\$ 50,006.00
REVENUE:			
Assessments	\$221,000.00	\$ 0.00	\$221,000.00
Interest	0.00	1,000.00	1,000.00
City Contribution:	4,344.00	0.00	4,344.00
TOTAL REVENUE	\$225,344.00	\$ 1,000.00	\$226,344.00
TRANSFER:			
	29,372.00	(29,372.00)	0.00
EXPENSE:			
Personnel	\$ 20,253.00	\$ 0.00	\$ 20,253.00
Contractual	157,195.00	0.00	157,195.00
Incidental	59,459.00	0.00	59,459.00
Utilities	17,809.00	0.00	17,809.00
TOTAL EXPENSE	\$254,716.00	\$ 0.00	\$254,716.00
ENDING BALANCE	\$ 0.00	\$ 21,628.00	\$ 21,628.00

The proposed assessment for Fiscal Year 1999 is \$12.32 per equivalent benefit unit (EBU) and a maximum authorized assessment is \$14.91 per EBU indexed annually to the San Diego CPI-U. An assessment was not levied in Fiscal Year 1998 at the request of the North Park community. Reserve funds were used to provide for the maintenance in order to re-engineer the district. The district contains 17,937 equivalent benefit units (EBU's) and a total of 8,430 parcels.

FILE LOCATION: SUBITEMS A AND B: STRT-M-413-99

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTIONS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-105:

SUBJECT: Skyline Drive (Trinidad Way to 66th Street, 66th Street to Woodman Street) Underground Utility District.

(South Encanto Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1065) ADOPTED AS RESOLUTION R-290014

Designating June 29, 1998 as the date upon which all property in the Skyline Drive (Trinidad Way to 66th Street, 66th Street to Woodman Street) Underground Utility District must be ready to receive underground service and October 2, 1998 as the date for the removal of all overhead utility facilities;

Authorizing the City Auditor and Comptroller to open Fund 78100 for the purpose of depositing Public Utilities Commission Case 8209 Utility Undergrounding Allocation Funds for the Skyline Drive (Trinidad Way to 66th Street, 66th Street to Woodman Street) Underground Utility District;

Authorizing the City Treasurer to receive these funds from the San Diego Gas & Electric Company;

Authorizing payment to all property owners in the Skyline Drive (Trinidad Way to 66th Street, 66th Street to Woodman Street) Underground Utility District as reimbursement for electrical service underground conversion work done on private property;

Authorizing the City Auditor and Comptroller to return to SDG&E any undisbursed funds upon written notice from SDG&E to the City that all electrical service conversions within this particular district have been completed;

Authorizing the expenditure of not to exceed \$16,000 from TransNet Fund No. 30300, CIP-37-028.0, to solely and exclusively replace existing street lights in the subject Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The Skyline Drive (Trinidad Way to 66th Street, 66th Street to Woodman Street) Underground Utility District was created by the City Council on November 17, 1992. The resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set June 29, 1998 as the Customer Ready Date, which will require that upon this date, all affected customers within the underground utility district must have their services prepared to receive service from the new underground system. This action will also establish October 2, 1998 as the Pole Removal Date, which will require that upon this date, all overhead facilities within the underground utility district must be removed. The utility companies concur with these proposed dates. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench for electrical and conduit up to a maximum of \$1,800.00 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box which typically ranges from \$300-\$1,500.

Aud. Cert. 9801133.

FILE LOCATION: STRT K-213

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTION. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-106: CONTINUED TO MAY 11, 1998

SUBJECT: Two actions related to Sabre Springs Landscape Maintenance District.

(Sabre Springs Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1156)

Resolution of Intention to levy and collect 1999 Annual Assessments on Sabre Springs Landscape Maintenance District.

Subitem-B: (R-98-1157)

Approving the City Engineer's Report.

CITY MANAGER SUPPORTING INFORMATION:

The Sabre Springs Landscape Maintenance District (LMD) was established in 1982 to provide maintenance for landscaped medians, improved open space, streetscapes, and natural open space. For Fiscal Year 1999, the district will maintain 2.89 acres of landscaped medians, 1.65 acres of paved medians, 1.8 acres of landscape right-of-way, 23.2 acres of enhanced open space, 505 acres of natural open space, 1.1 acres of landscape crib walls and ornamental street lighting along two bridges. The Fiscal Year 1999 proposed maintenance costs for the district are as follows:

DESCRIPTION	OPERATIONS	FUND RESERVE	TOTAL
BEGINNING BALANCE	\$ 0.00	\$ 97,006.00	\$ 97,006.00
REVENUE:			
Assessments	\$ 69,177.00	\$ 0.00	\$ 69,177.00
Interest	0.00	3,400.00	3,400.00
City Contribution:	42,992.00	0.00	42,992.00
TOTAL REVENUE	\$112,169.00	\$ 3,400.00	\$115,569.00
TRANSFER:	28,882.00	(28,882.00)	0.00
EXPENSE:			
Personnel	\$ 28,943.00	\$ 0.00	\$ 28,943.00
Contractual	70,000.00	0.00	70,000.00
Incidental	29,808.00	0.00	29,808.00
Utilities	12,300.00	0.00	12,300.00
TOTAL EXPENSE	\$141,051.00	\$ 0.00	\$141,051.00
ENDING BALANCE	\$ 0.00	\$ 71,524.00	\$ 71,524.00

The proposed assessment for Fiscal Year 1999 is \$15.56 per equivalent benefit unit (EBU) indexed annually to the San Diego CPI-U. The District contains 4,445.8 equivalent benefit units (EBU's). This District has been re-engineered. Although the assessment hasn't changed from Fiscal Year 1998, individual parcels may be impacted by the change in apportionment.

FILE LOCATION: SUBITEMS A AND B: NONE

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO CONTINUE THIS ITEM TO MAY 11, 1998 AS REQUESTED BY THE CITY MANAGER FOR FURTHER REVIEW. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-107:

SUBJECT: Two actions related to Exclusive Sale of City-Owned Land - Border Fence Project Phase 1A.
(Tijuana River Valley Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1019) ADOPTED AS RESOLUTION R-290015

Authorizing the exclusive sale of City-owned Government Lot 1 in Fractional Section 10 and Government Lot 2 in Fractional Section 11, Township 19 South, Range 2 West, S.B.M. to the U. S. Border Patrol for the Border Fence Project Phase 1A;

Authorizing the execution of a Grant Deed conveying the property to the United States of America.

Subitem-B: (R-98-1020) ADOPTED AS RESOLUTION R-290016

Stating for the record that the information contained in LDR-97-02, prepared by the Immigration and Naturalization Service and U.S. Army Corps of Engineers, has been completed in compliance with the California Environmental Quality Act of 1970, as

amended, and State guidelines, and National Environmental Policy Act (NEPA), that the Declaration reflects the independent judgment of the City as Lead Agency, and that said Declaration has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION:

On March 18, 1997, the City issued a right of entry permit to the U.S. Border Patrol to allow them to start construction of the Border Fence Project Phase I-A, along the southerly side of the recently acquired South Bay Water Reclamation Plant Site. Metropolitan Wastewater Department staff reviewed the border fence project and determined that the reclamation plant could be designed in a manner that could accommodate the construction of the border fence project. The construction of the fence created a long narrow strip of land between the new border fence and the actual U. S./Mexico border that varies in width from 100 to 400 feet and contains 16.52 acres. This action would allow the Border Patrol to purchase the strip of land severed from the reclamation plant site by the construction of the new fence. The Border Patrol has offered \$204,400 for the purchase of the parcel. The purchase price has been reviewed and approved by City staff. Proceeds from the sale of the parcel will be deposited back into CIP-42-910.6, South Bay Water Reclamation Plant, to reimburse this bond funded project for funds originally used to acquire the property.

FILE LOCATION: SUBITEMS A AND B: DEED F-7224

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTIONS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-108:

SUBJECT: Two actions related to Public Benefit Conveyance of City-Owned Land - Border Fence Project, Phase 2.

(See City Manager Report CMR-98-79. Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1098) ADOPTED AS RESOLUTION R-290017

Authorizing the conveyance of City-owned Tracts 400-404, 405, 501, 502, 503, and 604 in Otay Mesa to the United States of America for the Border Fence Project, Phase 2;

Authorizing the City Manager to execute a quitclaim deed conveying the property to the United States of America.

Subitem-B: (R-98-1099) ADOPTED AS RESOLUTION R-290018

Stating for the record that the information contained in LDR-97-02, prepared by the Immigration and Naturalization Service and U.S. Army Corps of Engineers in connection with the Border Fence Project, Phase 2, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and the Environmental Policy Act (NEPA), and that the declaration reflects the independent judgement of the City of San Diego as Lead Agency;

Approving the Final Revised Environmental Assessment/Finding of No Significant Impact, dated August 1997, has been reviewed and considered prior to approving the project.

FILE LOCATION: SUBITEMS A AND B: DEED F-7225

COUNCIL ACTION: (Tape location: B088-184, E200-646.)

Motion by Stevens to continue this item. No second.

Motion by Stevens to adopt the resolutions with the contingency that a Memorandum of Understanding be approved prior to transference of the land to the Federal Government. Second by Kehoe. Failed by the following vote: Mathis-nay, Wear-nay, Kehoe-yea, Stevens-yea, Warden-nay, Stallings-yea, McCarty-nay, Vargas-nay, Mayor Golding-nay.

MOTION BY WARDEN TO ADOPT THE RESOLUTIONS. Second by Wear.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-nay, Mayor Golding-yea.

* ITEM-109:

SUBJECT: Sewer Easement Abandonment - Carmel Mountain Ranch Unit
No. 18. (Carmel Mountain Ranch Community Area.
District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1124) ADOPTED AS RESOLUTION R-290019

Vacating the City's interest in a sewer easement in
portions of Lots 4 and 5 of Carmel Mountain Ranch Unit
No. 18.

CITY MANAGER SUPPORTING INFORMATION:

Action is requested to abandon this unused and unneeded sewer
easement, located on the south side of World Trade Drive in the
Carmel Mountain Ranch Community Planning Area. The easement was
created for a prior development and was never used. The existing
development placed the sewer main in the street, therefore the
existing easement is no longer necessary. Staff recommends that
City Council approve the abandonment of this easement, as shown
on Drawing No. 18717-B.

FILE LOCATION: DEED F-7226

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTION. Second by
Wear. Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-110:

SUBJECT: Department of Defense Community Planning Grant for the
Naval Training Center San Diego.
(District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1092) ADOPTED AS RESOLUTION R-290020

Authorizing the acceptance of a Department of Defense
Community Planning Assistance Grant from the Office of
Economic Adjustment in the amount of \$186,000 to
provide planning and reuse of the Naval Training Center
San Diego.

CITY MANAGER SUPPORTING INFORMATION:

In 1993, the Federal Base Realignment and Closure Commission
(BPAC) recommended closure of the Naval Training Center (NTC) in
San Diego. Since that time the Office of Economic Adjustment has
awarded the City grant funding for planning and reuse of NTC for
the past three years. This grant in the amount of \$186,000 is
the fourth year of funding and includes the salary and benefits
for the Project Director and Intermediate Stenographer, and
non-personnel cost to support the public outreach and mailings
and the cost of conducting a metes and bounds survey necessary
for the Economic Development Conveyance. The grant is
retroactive to November 1, 1997 and extends through December 31,
1998.

FILE LOCATION: MEET (67)

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTION. Second by
Wear. Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-111:

SUBJECT: Transfer of Funds for South Bay Secondary Sewers -
Phase I.
(Tijuana River Valley Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1122) ADOPTED AS RESOLUTION R-290021

Authorizing the Auditor and Comptroller to transfer not to exceed \$107,000 within Fund No. 41509, from CIP-42-910.6, South Bay Water Reclamation Plant, to CIP-40-911.1, South Bay Secondary Sewers, Phase I, to provide additional funding for predesign effort and value engineering of the secondary sewer.

CITY MANAGER SUPPORTING INFORMATION:

The proposed South Bay Secondary Sewers, Phase I (SBSS) consists of a pump station and force main that will convey wastewater to the proposed South Bay Wastewater Treatment Plant (SBWTP). The SBWTP will treat the wastewater flows presently being conveyed through the South Metro Interceptor to the Point Loma Wastewater Treatment Plant for treatment. The SBSS will divert flow from the South Metro Interceptor to the SBWTP thus providing hydraulic capacity relief to the South Metro Interceptor and reducing the risk of spills. The SBSS is located in the Cities of Chula Vista and San Diego. MWWD is currently preparing a predesign report with funding previously approved in the FY 98 budget. This request is to provide funding for the predesign effort and for value engineering.

Aud. Cert. 9801075.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTION. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-112:

SUBJECT: Labor Settlement Concerning School Safety Patrol Camp
1995-1997.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1111) ADOPTED AS RESOLUTION R-290022

Authorizing the City Manager to settle individual claims against the City for overtime pay to police officers and community service officers working Summer School Safety Patrol Camp for the past three years utilizing the formula recommended by the United States Department of Labor;

Authorizing the expenditure of not to exceed \$65,000 from Fund 100, Dept. 110, Object Account No. 1405, Job Order No. 004001.

CITY MANAGER SUPPORTING INFORMATION:

Twenty-seven Police Officers or Community Service Officers assigned to the School Safety Patrol in the years 1995, 1996, and 1997 were assigned to work the four weeks of School Safety Patrol Camp held each summer. The 27 officers stayed overnight at the camp on three nights of the four day program each camp session. Although they were paid for a 40-hour work week, the employees contended that they should be paid overtime for the extended days and sought resolution through the U.S. Department of Labor. The City agreed that money was owed and agreed to a payment formula requested by the U.S. Department of Labor (DOL). The City was not willing to agree to other terms of the written agreement sought by the DOL. The Police Department has met with the 27 officers involved to confirm the number of weeks worked and explain the payment formula. The City will settle the claim against the City for overtime due by paying the individual officers based on the number of weeks they worked camp during the years 1995, 1996, and 1997. This settlement and payment has been reviewed by the City Council in closed session.

Aud. Cert. 9801235.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTION. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-113:

SUBJECT: Removal of Time Limit Parking on Cass Street.

(Pacific Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1151) ADOPTED AS RESOLUTION R-290023

Approving the removal of the two-hour time limit parking on the east side of Cass Street between Sapphire Street and Turquoise Street pursuant to Council Policy 200-4;

Authorizing the removal of the necessary signs and markings.

CITY MANAGER SUPPORTING INFORMATION:

This action removes a two-hour time-limit parking zone on the east side of the 5100 block of Cass Street between Sapphire Street and Turquoise Street. The proposed removal of the two-hour zone was petitioned by the property owners representing 100 percent of the affecting frontage. Accordingly, removal of the two-hour time-limit parking zone on the east side of the 5100 block of Cass Street is recommended.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTION. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-114:

SUBJECT: The San Diego Defense and Space Technology Consortium.

(See memorandum from Councilmember Warden dated
4/14/98.)

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1176) ADOPTED AS RESOLUTION R-290024

Supporting the San Diego Defense and Space Technology
Consortium and encouraging its expansion to support and
promote San Diego's advanced commercial technologies;

Directing the City Manager to work with the Consortium
to plan a Defense and Space Technology Consortium
Summit to be co-hosted by the San Diego City Council
and the County Board of Supervisors.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTION. Second by
Wear. Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-115:

SUBJECT: Mid-City and North Park Livable Neighborhood/Economic
Need Fund.

(Mid-City and Greater North Park Community Areas.
Districts-3 & 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1184) ADOPTED AS RESOLUTION R-290025

Amending the Fiscal Year 1998 CIP Budget by adding \$265,000 from the Livable Neighborhood/Economic Need Fund 30304, increasing CIP-52-631.0, (Wightman Street Widening) by \$45,000, increasing CIP-39-205.0 (Adams Avenue Streetscape Improvements) by \$100,000, increasing CIP-39-207.0 (North Park/University Avenue Streetscape Improvement) by \$55,000 and increasing CIP-39-221.0 (North Park Defensible Space Project) by \$65,000;

Authorizing the Auditor and Comptroller to transfer not to exceed \$45,000 from the Mid-City Livable Neighborhood/Economic Need Fund 30304 to CIP-52-631.0, to provide funds for the Wightman Street Widening Project;

Authorizing the expenditure of not to exceed \$45,000 from CIP-52-631.0 to provide funds for the Wightman Street Widening Project; Authorizing the Auditor and Comptroller to transfer not to exceed \$100,000 from the Mid-City Livable Neighborhood/Economic Need Fund 30304 to CIP-39-205.0, to provide funds for the Adams Avenue Streetscape Improvements;

Authorizing the expenditure of not to exceed \$100,000 from CIP-39-205.0, to provide funds for the Adams Avenue Streetscape Improvements;

Authorizing the Auditor and Comptroller to transfer not to exceed \$55,000 from the North Park Livable Neighborhood/Economic Need Fund 30304 to CIP-39-207.0, to provide funds for the North Park/University Avenue Streetscape Improvements;

Authorizing the expenditure of not to exceed \$55,000 from CIP-39-207.0, to provide funds for the North Park/University Avenue Streetscape Improvements;

Authorizing the Auditor and Comptroller to transfer not to exceed \$65,000 from the North Park Livable Neighborhood/Economic Need Fund 30304 to CIP-39-221.0, to provide funds for the North Park Defensible Space Project;

Authorizing the expenditure of not to exceed \$65,000 from CIP-39-221.0, to provide funds for the North Park Defensible Space Project;

Authorizing the Auditor and Comptroller to reprogram not to exceed \$100,000 in the Fiscal Year 1998 Community Development Block Grant Fund from the Adams Avenue Streetscape Project (CIP-39-205.0) to the Colina del Sol Park Improvement Project (18533/4133/3304/112709);

Authorizing and directing the Auditor and Comptroller to appropriate \$100,000 in the Fiscal Year 1998 Community Development Block Grant Fund 18533, as directed by Council District 7;

Authorizing the expenditure of not to exceed \$100,000 from the Fiscal Year 1998 Community Development Block Grant Fund 18533 on Colina del Sol Park Improvements (18433/4133/3304/112709) to provide funds for the Colina del Sol Park Improvements.

CITY MANAGER SUPPORTING INFORMATION:

On June 30, 1997, the City Council transferred \$1.74 million from the Gas Tax Fund 302191 and the Renaissance Commission TransNet Fund 30300 into the Livable Neighborhood/Economic Need Fund, dividing it into 12 equal portions of \$145,000 to be used in the 12 Livable Neighborhood areas. Council Districts 3 and 7, responsible for the Mid-City and North Park Livable Neighborhood areas, have directed that funding for these areas be used as follows:

- A) Mid-City Livable Neighborhood/Economic Need Fund - \$145,000-\$45,000 to CIP-52-631.0 (Wightman Street Widening) for roadway improvements in conjunction with the City Heights Urban Village Project; and
 - \$100,000 to CIP-39-205.0 (Adams Avenue Streetscape Improvements) to replace \$100,000 in FY 98 Community Development Block Grant funding which would be reprogrammed for use on Colina del Sol Park improvements.
- B) North Park Livable Neighborhood/Economic Need Fund - \$120,000 (of \$145,000*)
 - \$55,000 to CIP-39-207.0 (North Park/University Avenue Streetscape Improvements) for the North Park Gateway Project; and
 - \$65,000 to CIP-39-221.0 (North Park Defensible Space) for further defensible space improvements in North Park.

*(\$25,000 remaining in the North Park Livable Neighborhood/Economic Need Fund would be used on the 28th Street Portal Project and does not require Council action.)

Amendment of the FY 98 CIP and six other actions are needed to transfer funding and implement these public projects.

Aud. Cert. 9801149.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTION. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-116:

SUBJECT: Appointment of Management Team for Purpose of Meeting and Conferring with Employee Organizations.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1195) ADOPTED AS RESOLUTION R-290026

Authorizing the City Manager to appoint the Management Team for purposes of meet and confer with employee organizations. The Management Team will consist of the following members:

Michael Uberuaga, City Manager; Bruce Herring, Deputy City Manager; Cathy Lexin, Labor Relations Manager; Michael McGhee, Labor Relations Assistant; Stanley Griffith, Labor Relations Assistant; Theresa McAteer, Deputy City Attorney; Sharon Marshall, Deputy City Attorney;

Appointing the Personnel Director and Retirement Administrator as members of the Management Team, pursuant to Council Policy No. 300-6, for all purposes except meeting and conferring with employee organizations.

CITY MANAGER SUPPORTING INFORMATION:

In accordance with the provisions of California Government Code 3500 et seq., commonly referred to as the Meyers-Miliias-Brown Act (MMBA), the City Council has adopted Council Policy 300-6 which provides the rules and regulations which govern employer-employee relations. Contained in MMBA and Council Policy 300-6 is the authority for the City Council to designate a Management Team as its representative to carry out the meet and confer process. It is recommended that the resolution be adopted which establishes and identifies the Management Team for purposes of meeting and conferring with employee organizations in order to reach agreement on a Memorandum of Understanding (MOU) and/or successor agreements pursuant to Council Policy 300-6.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTION. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-117:

SUBJECT: Agreement with Geologic Associates for Alternative Cover for West Miramar Landfill.

(Miramar Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1119 Cor.Copy) ADOPTED AS RESOLUTION R-290027

Authorizing the execution of an agreement with Geologic Associates, for an amount not to exceed \$200,000, for professional services to certify the alternative final Cover for West Miramar Landfill;

Authorizing the City Auditor and Comptroller to transfer \$210,200 from CIP-32-017.0, Annual Allocation

Groundwater, to CIP-37-004.0, Annual Allocation Minor
Landfill Requirements;

Authorizing the expenditure of an amount not to exceed
\$210,200 from CIP-37-004.0, Annual Allocation Minor
Landfill Requirements for West Miramar Landfill Phase I
Alternative Cover Certification.

CITY MANAGER SUPPORTING INFORMATION:

The proposed agreement with Geologic Associates will provide professional services to certify the alternative cover required for landfill closure at West Miramar Landfill, Phase I. This final cover is required by the California Code of Regulations, Title 23, and is detailed in the Waste Discharge Requirements issued by the Regional Water Quality Control Board in Board Order 93-86. The proposed consultant was selected due to Geologic Associates' unique experience and expertise to perform the required services. Geologic Associates has performed pioneering research in this field and has two alternative covers certified and more than twenty others in the process of certification by the State and regional regulatory agencies. Geologic Associates has performed environmental and geological studies on West Miramar Landfill for the past four years. This firm is currently working as a regulatory compliance consultant under agreement C-07047 filed April 24, 1996.

Aud. Cert. 9801255.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTION. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-118:

SUBJECT: Amendment No. 1 to the Agreement with Hirsch & Company for Closed Circuit Television Inspection and Evaluation of Small Diameter Sewer Mains.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1194) ADOPTED AS RESOLUTION R-290028

Authorizing Amendment No. 1 to the agreement with
Hirsch & Company for closed circuit television
inspection and evaluation of small diameter sewer mains
on an as-needed basis at a cost not to exceed \$700,000;

Authorizing the expenditure of not to exceed \$750,000
from Sewer Fund 41506 for as-needed closed circuit TV
consultant project management costs.

CITY MANAGER SUPPORTING INFORMATION:

As part of the City's program to replace all small diameter concrete sewer mains, the City desires to identify for replacement any deficient vitrified clay (VC) mains as well. By Council action of April 7, 1997, (Resolution R-288511), authorization was given to execute an agreement with Hirsch & Company to televise an estimated 400,000 feet of high preventative maintenance vitrified clay main. Since the actual televising has begun, additional areas have been identified and the footage to be televised is greater than originally estimated. Also, during the design process of group replacement projects, televising of adjacent sewer mains not scheduled for replacement is desired to determine their condition. This work will be done on an as-needed basis. In order to complete the VC assessment program, and to perform other as-needed sewer main televising, funding in the amount of \$700,000 for Amendment No. 1 to the agreement and \$50,000 for the City project management costs is needed. The total additional funding requested is \$750,000.

Aud. Cert. 9801160.

WWF-98-317.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTION. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-119:

SUBJECT: Approval for San Diego Data Processing Corporation to
Provide Third Party Services.

(See memorandum from SDDPC dated 4/16/98.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1175) ADOPTED AS RESOLUTION R-290029

Approving the request of San Diego Data Processing Corporation to negotiate and enter into a contract for services with the Eastern Municipal Water District in an amount in excess of \$100,000.

CITY MANAGER SUPPORTING INFORMATION:

The City entered into an Operating Agreement with San Diego Data Processing Corporation (SDDPC) in 1979. The agreement, as amended, requires prior approval from the City Council for all third party service agreements in excess of \$100,000. SDDPC has requested Council approval to allow the Corporation to negotiate a consulting services agreement with the Eastern Municipal Water District (EMWD) in Riverside County. This project has a SDDPC budget estimate of approximately \$1 million. The consulting services project will be for the development of the System for Project Organization, Reporting and Tracking (SPORT) application. Staff supports SDDPC's request. The Operating Agreement limits on providing services to third parties were established to help ensure that such engagements did not negatively impact the level of service SDDPC provided to the City. The Corporation has indicated to staff that it will ensure that SDDPC's pursuit of services to EMWD will be done in ways that do not negatively impact the City financially or in the level of service provided to the City. Importantly, opportunities for SDDPC to provide services to other governmental agencies can serve to control the cost of information technology to the City.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTION. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-120:

SUBJECT: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(See City Manager's Update. San Ysidro and Tijuana River Valley Community Areas. District-8.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-969) ADOPTED AS RESOLUTION R-290030
Declaring a continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L-Continued State of Emergency
regarding the Discharge of Raw Sewage
from Tijuana, Mexico

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTION. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-121:

SUBJECT: Appointments and Reappointments to the San Diego Housing Commission.

(See memorandum from Mayor Golding dated 3/27/98 with resumes attached; memorandum from Councilmember Wear dated 4/18/98 and memorandum from Councilmember Kehoe dated 1/22/98.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1076) ADOPTED AS RESOLUTION R-290031

Council confirmation of the following appointments and reappointments by the Mayor to the San Diego Housing Commission, for terms expiring as indicated:

NAME	TERM EXPIRES
E. Neal Arthur (Reappointment)	January 2, 2002
David L. Dick (Reappointment)	January 2, 2002
Robert A. Grinchuk (Replacing Greg Akili, who resigned)	January 2, 2001
Alice Tumminia (Tenant-Over-62) (Reappointment)	January 2, 2000
Melbalen C. Hills (Tenant) (Replacing Denise A. Macias)	January 2, 2000

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTION. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-122:

SUBJECT: Amending the Legislative Calendar for FY98 to add a Council Meeting on Monday, May 18, 1998.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1210) ADOPTED AS RESOLUTION R-290032

Amending the Legislative Calendar for FY98 for the period of January 1, 1998 through December 31, 1998, to add a regularly scheduled Council Meeting on Monday, May 18, 1998 at 2:00 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B088-184; F020-058.)

MOTION BY WEAR TO ADOPT THE RESOLUTION. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-123:

SUBJECT: Amending the Legislative Calendar for FY98 to add a Rules Committee Meeting on Monday, May 11, 1998.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1209) ADOPTED AS RESOLUTION R-290033

Amending the Legislative Calendar for FY98 for the period of January 1, 1998 through December 31, 1998, to add a Rules, Finance and Intergovernmental Relations Committee Meeting on Monday, May 11, 1998 at 10:00 a.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTION. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-124:

SUBJECT: Excusing Mayor Golding from the Regular Council Meetings of April 7, 20 and 21, 1998.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1211) ADOPTED AS RESOLUTION R-290034

Excusing Mayor Susan Golding from attending the
regularly scheduled Council Meetings of April 7, 20,
and 21, 1998, due to personal business.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTION. Second by
Wear. Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-125:

SUBJECT: Excusing Councilmember Vargas from the Council Meeting
of 4/21-4/22/98.

COUNCILMEMBER VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1218 Cor.Copy) ADOPTED AS RESOLUTION R-290035

Excusing Councilmember Vargas from attending the
regularly scheduled Council meeting of April 21 and 22,
1998, due to his need to appear in court.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTION. Second by
Wear. Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-126:

SUBJECT: Appointments to the Local Enforcement Agency Hearing Panel.

(See memorandum from Mayor Golding dated 4/24/98 with resumes attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1222) ADOPTED AS RESOLUTION R-290036

Council confirmation of the following appointments by the Mayor to serve as members of the Local Enforcement Agency Hearing Panel, for terms ending and in categories as indicated:

NAME	FOR TERMS ENDING
Tom Behr (Legal)	January 1, 2000
David Merk (Technical Expert)	January 1, 1999
Gary Stephany (Public at Large)	January 1, 2000

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTION. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-nay, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-127:

SUBJECT: Appointments to the Qualcomm Stadium Advisory Board.

(See memorandum from Mayor Golding dated 4/27/98 with resumes attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1225 REV.) ADOPTED AS AMENDED AS RESOLUTION
R-290037

Council confirmation of the following appointments by
the Mayor to the Qualcomm Stadium Advisory Board, for
terms ending as indicated:

NAME	FOR TERMING ENDING
Doug E. Barnhart (City Resident)	January 1, 2002
Harold L. Lewis (City Resident)	January 1, 2002
Karen L. McElliot (City Resident)	January 1, 2002
John R. Wertz (City Resident)	January 1, 2002
Robert W. Brownlie (County Resident)	January 1, 2002
John W. Carlson (City Resident)	January 1, 2000
Joseph Martinez (City Resident)	January 1, 2000
Stephen M. Redfearn (City Resident)	January 1, 2000
Regina A. Petty (County Resident)	January 1, 2000

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTION AS AMENDED
BY MAYOR GOLDING CHANGING THE TERM ENDING DATE FOR ROBERT W.
BROWNLIE TO JANUARY 1, 2000, AND THE TERM ENDING DATE FOR
JOHN W. CARLSON TO JANUARY 1, 2002. Second by Wear. Passed
by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

ITEM-150: RETURNED TO THE CITY MANAGER

SUBJECT: Four actions related to the Appeal of the San Diego
Taxpayers Association and Water Department Service Fees
and Charges.

(See City Manager Report CMR-97-66 Rev.; Committee Consultant Analysis NR&C-97-1 Rev.; Larry Gardner's 4/9/97 memorandum; Scott Barnett's 3/24/97 and 4/15/97 letters.)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/16/97, NR&C voted 5-0 to: 1) Accept City Manager Report CMR-97-66 Revised; 2) Recommend the City Council hear the public appeal, as filed by the San Diego Taxpayers Association within 30 days of the date of public notice and to comply with both Council Policy 100-5 and Administrative Regulation 95.25 Section 5.2.f; and 3) Direct the City Manager to delay implementation of the proposed fee change until City Council approval in order to comply with Administrative Regulation 95.25 Section 5.2.f. (Councilmembers Mathis, Kehoe, Stallings, McCarty and Vargas voted yea.)

TODAY'S ACTIONS ARE:

Adoption of the following resolutions in Subitems A, B and C; and introduction of the ordinance in Subitem D:

Subitem-A: (R-98-377 Cor.Copy)

Water Department Fees and Charges Requiring City Manager Authorization; Protest by San Diego Taxpayers Association.

Adoption of a Resolution denying the appeal of the San Diego Taxpayer's Association protesting City Manager approval authority to raise water service fees;

Authorizing the City Manager to continue to approve these increases to the Water Department's Fees & Charges Schedule.

CITY MANAGER SUPPORTING INFORMATION:

Council Policy 100-5 states that any fees approved at the discretion of the City Manager may be appealed to the City Council. As required by this policy, a 30 day notification was sent to 377 construction industry and other interested parties in advance of the proposed changes in fees. The San Diego Taxpayers Association has filed an appeal on these fees and charges. The Natural Resources and Culture Committee heard this appeal on April 16, 1997. Since that time, action has been delayed to

analyze these fees and charges for their long-term impact on General Fund Departments. These impacts are identified in a separate accompanying Request for Council Action. The Water Department has, in the past, charged fees to third parties for services provided. These charges are divided into fees that may be approved by the City Manager and fees that are approved by the City Council. The City Manager may approve fees for the following services: taps into water mains, construction connections, new services and meters, construction meters, irrigation services and meters, fire hydrants, cut-and-plug water mains, backflow services and devices, and copying services. These fees have not been increased since 1979. An in-depth cost analysis has been performed and it has been determined that current fees do not recover the actual cost of providing these services; therefore, the City Manager has authorized a revised Fees and Charges Schedule, which is being presented in a separate request to Council. It is the policy of the City to authorize the City Manager to approve fee schedules whenever possible. These policies are specified in Administrative Regulation 95.25. Council Resolution R-217109, dated November 10, 1976, shows specific fees that are set by Council. These fees are for backflow prevention devices, water meter and service connections, and a schedule of credits allowed for an increase in size of water meters. These specific, Council approved fees and charges are also being revised under a separate request to Council. Resolution R-217109 further states that in all cases when other non-specified services are requested, then the fees for these services will be based upon an estimate made by the Water Department.

Subitem-B: (R-98-378 Cor.Copy)

Water Department Fees and Charges Requiring City
Manager Authorization.

Adoption of a Resolution authorizing the City Manager
to approve the Water Department Fees and Charges
Schedule.

CITY MANAGER SUPPORTING INFORMATION:

The Water Department has, in the past, charged fees to third parties for services provided. These service fees are divided into those that may be approved by the City Manager and those that may be approved by the City Council. The fees for services that may be approved by the City Manager are: taps into water mains, construction connections, new services and meters,

construction meters, irrigation services and meters, fire hydrants, cut-and-plug water mains, backflow services and devices, and copying services. These fees have not been increased since 1979. An in-depth cost analysis has been performed and it has been determined that current fees do not recover the actual cost of providing these services; therefore, the City Manager has authorized the Fees and Charges Schedule. It is the policy of the City to authorize the City Manager to approve fee schedules whenever possible. These policies are specified in Administrative Regulation 95.25. A 30 day notification was sent to 377 construction industry and other interested parties in advance of the proposed changes in fees (as required by Council Policy 100-5). Council Resolution R-217109, dated November 10, 1976, shows specific charges approved by Council, for backflow prevention devices, water meter and service connections, and a schedule of credits allows for an increase in size of water meters. These specific, Council approved, fees and charges are being revised under a separate request to Council. Resolution R-217109 further states that in all cases when other non-specified services are requested, then these services provided will be based upon an estimate made by the Water Department. Council Policy 100-5 also states that any managerial approved fees may be appealed to the City Council. The San Diego Taxpayers Association has filed an appeal of these fees and charges.

The Natural Resources and Culture Committee heard this appeal on April 16, 1997. Since that time, action has been delayed to analyze these fees and charges for their long-term impact on General Fund departments. These impacts are identified in a separate accompanying Request for Council Action. If approved, copies of these fee schedules will be filed in the Rate Book of City Fees and Charges in the City Clerk's Office. These fees will be implemented immediately upon approval of Council.

Subitem-C: (R-98-379 Cor.Copy 2)

Water Department Fees and Charges Requiring City
Council Authorization.

Adoption of a Resolution authorizing the changes to the
Council Approval Needed sections of the Water
Department Fees and Charges Schedule.

CITY MANAGER SUPPORTING INFORMATION:

The Water Department has, in the past, charged fees to third parties for services provided. These service fees are divided

into those that may be approved by the City Manager and that may be approved by the City Council. The fees for services that may be approved by the City Council are: new water services, new water meter installations, replacement of lost water meters, credit allowances for water meter size changes, backflow maintenance and backflow installation charges. These fees have not been increased since 1979. An in-depth cost analysis has been performed and it has been determined that current fees do not recover the actual cost of providing these services; therefore, we are requesting authorization of the Fees and Charges Schedule.

All of these fee schedules will be filed in the Rate Book of City Fees and Charges in the City Clerk's Office. These fees will be implemented immediately upon approval of Council. Furthermore, it is requested that future changes to these specific fees mentioned above, which will be determined by an annual cost analysis based solely on cost recovery, be allowed at the discretion of the City Manager, subject to public notification and appeal to the City Council, pursuant to Administrative Regulation 95.25. This will allow the City Manager to review all of the fees and charges in the Water Department together on an annual basis. This issue is being forwarded in a separate Request for Council Action.

Subitem-D: (O-98-32)

Amending the San Diego Municipal Code Relating to Water Department Fees and Charges.

Introduction of an Ordinance amending Chapter VI, Article 7, of the San Diego Municipal Code by amending Section 67.05, relating to the Water Department, Operations Division, Fees and Charges.

CITY MANAGER SUPPORTING INFORMATION:

The Water Department has, in the past, charged fees to third parties for services provided. Authority to change or increase these fees and charges are divided into two groups: 1) those that can be approved by the City Manager alone; and 2) those that can be charged only with approval of the City Council. The fees for services that have to have approval of the City Council are: new water services, new water meter installations, replacement of lost water meters, credit allowances for water meter size changes, backflow maintenance and backflow installation charges. It is requested that the San Diego Municipal Code, Section 67.05

be amended so that all future changes to the specific fees mentioned above, as determined by an annual cost analysis based solely on cost recovery, be made at the discretion of the City Manager, with prior notification of City Council, and subject to public notification and appeal to the City Council as stipulated in Administrative Regulation 92.25. This will allow the City Manager to review all of the fees and charges in the Water Department together on an annual basis, thereby allowing a more timely cost recovery for the department.

FILE LOCATION: SUBITEMS A THRU D: MEET

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO RETURN THIS ITEM TO THE CITY MANAGER AS HE REQUESTED FOR FURTHER REVIEW. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200:

SUBJECT: Matter of an amendment to the Balboa Park Master Plan and the Central Mesa Precise Plan and an application for a Resource Protection Ordinance Permit (RPO-96-7562) to allow the Natural History Museum to expand in the Balboa Park Area. (Balboa Park Natural History Museum). (RPO-96-7562. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A and B and adopt the resolution in Subitem C to grant the permit:

Subitem-A: (R-98-1153) ADOPTED AS RESOLUTION R-290038

Adoption of a Resolution certifying that the information contained in LDR-96-7562 has been completed in compliance with the California Environmental Quality Act of 1970 and State CEQA Guidelines, and that said Environmental Impact Report LDR-96-7562 reflects the independent judgement of the City of San Diego as Lead Agency; stating for the record that the final EIR has been reviewed and considered prior to approving the project; adopting the Findings and Statement of

Overriding Considerations; and adopting the Mitigation, Monitoring and Reporting Program.

Subitem-B: (R-98-1154) ADOPTED AS RESOLUTION R-290039

Adoption of a Resolution amending the Balboa Park Master Plan and the Central Mesa Precise Plan to modify the language relative to the proposed expansion of the Balboa Park Natural History Museum.

Subitem-C: (R-98-1291) ADOPTED AS RESOLUTION R-290040
GRANTING THE PERMIT

Adoption of a Resolution granting or denying the permit, with appropriate findings to support Council action.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/8/98, NR&C voted 4-0 to approve. Councilmembers Mathis, Wear, Warden and Stallings voted yea. Councilmember Kehoe not present.

SUPPORTING INFORMATION:

The project consists of an amendment to the Balboa Park Master Plan and the Central Mesa Precise Plan, and an application for a Resource Protection Ordinance Permit to allow the Natural History Museum to expand by 89,435 square feet instead of 50,000 square feet as identified in the Precise Plan. The project is located within Balboa Park at 1788 El Prado, San Diego, CA 92101.

CITY MANAGER SUPPORTING INFORMATION:

The applicant is proposing to amend the Balboa Park Master Plan to allow encroachment into open space for the proposed expansion of the Natural History Museum. The applicant also is requesting an amendment to the Central Mesa Precise Plan to permit an increase in the building footprint, overall square footage, and to deviate from the east facade configuration as identified in the Precise Plan. The amendment would also allow an expansion beyond the perceived leasehold boundary. A Resource Protection Ordinance Permit is requested to enable the Natural History Museum, a significant historic resource, to be expanded.

There is no fiscal impact associated with the proposed actions to amend the Plans and approve the project. However, the expansion project is a \$14.4 million park improvement. Of that total, \$11.4 million is to be privately-funded and \$3.0 million is to be reimbursed by the City from Certificates of Participation (for improvements to the existing facility only), which were approved by the City Council on March 17, 1997.

The City Manager recommends certification of Environmental Impact Report LDR-96-7562, adoption of the Findings and Statement of Overriding Considerations, and adoption of the Mitigation, Monitoring and Reporting Program; approval of the Master Plan and Precise Plan amendments; and approval of the Resource Protection Ordinance Permit for the expansion project.

On April 8, 1998, the Natural Resources and Culture Committee recommended approval of the proposed Plan amendments and the Resource Protection Ordinance Permit on consent by a vote of 4-0.

On April 23, 1998, this item will be heard by the Planning Commission. Their recommendation will be presented at the City Council hearing.

Other recommendations include those of the commissions and boards required to review plan amendments and projects proposed for implementation within the Central Mesa Precise Planning Area. As noted in City Manager Report CMR-98-74, all of these commissions and boards recommended approval of the proposed plan amendments and expansion project.

No opposition was presented at any of the public forums where this item has been discussed, nor were any written comments of opposition received during the review process.

FILE LOCATION: SUBITEMS A THRU C: LAND-Balboa Park
 Master Plan

COUNCIL ACTION: (Tape location: A572-B635.)

Hearing began at 2:45 p.m. and halted at 3:34 p.m.

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTIONS FOR SUBITEMS A AND B, AND ADOPT THE RESOLUTION FOR SUBITEM C GRANTING THE PERMIT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201:

SUBJECT: Five actions related to Regulatory Relief.

(See City Manager Report CMR-98-80; and Planning Commission Reports P-98-038 and P-97-202.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in Subitems B and D; and introduce the ordinances in Subitems A, C, and E:

Subitem-A: (O-98-90) INTRODUCED, TO BE ADOPTED MAY 18, 1998

Introduction of an Ordinance amending Chapter VI, Article 2, Division 1, of the San Diego Municipal Code by amending Section 62.0106, relating to Grading Review Permits.

Subitem-B: (R-98-931) ADOPTED AS RESOLUTION R-290041

Adoption of a Resolution amending Council Policy 800-11 regarding Partial Release of Performance Bonds and Other Types of Sureties.

Subitem-C: (O-98-91) INTRODUCED, TO BE ADOPTED MAY 18, 1998

Introduction of an Ordinance amending Chapter XI, Article 1, Division 2, of the San Diego Municipal Code by amending Section 111.0203, relating to Consolidation of Processing.

Subitem-D: (R-98-932) ADOPTED AS RESOLUTION R-290042

Adoption of a Resolution revising the Comprehensive Sign Program Fee Schedule.

Subitem-E: (O-98-92) INTRODUCED, TO BE ADOPTED MAY 18,
1998

Introduction of an Ordinance amending Chapter VI,
Article 9, Division 2, of the San Diego Municipal Code
by amending Section 69.0212, relating to Final Report
Distribution and Review.

FILE LOCATION: SUBITEMS A, C, AND E: NONE; SUBITEM B:
MEET; SUBITEM D: GEN'L-Fees and Charges
DSD

COUNCIL ACTION: (Tape location: C030-180.)

Hearing began at 3:36 p.m. and halted at 3:49 p.m.

Testimony in favor by Matthew Adams.

Motion by McCarty to adopt the resolutions for Subitems A,
B, and D, and to introduce the ordinances for Subitems C and
E. Second by Stevens. Second withdrawn by Stevens.

MOTION BY McCARTY TO INTRODUCE THE ORDINANCES FOR SUBITEMS A
AND C, ADOPT THE RESOLUTIONS FOR SUBITEMS B AND D; AND
DIRECT THE CITY MANAGER, AS REQUESTED BY MAYOR GOLDING, TO
HAVE STAFF BRING BACK TO COUNCIL ANY OBVIOUS PROBLEMS THAT
ARISE BECAUSE OF THIS ACTION SO THAT COUNCIL CAN MAKE
ADJUSTMENTS IF NECESSARY. Second by Vargas. Passed by the
following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

MOTION BY McCARTY TO INTRODUCE THE ORDINANCE FOR SUBITEM E.
Second by Vargas. Passed by the following vote: Mathis-nay,
Wear-yea, Kehoe-nay, Stevens-nay, Warden-yea, Stallings-nay,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-202:

SUBJECT: Two actions related to Street and Easement Vacations in
Conjunction with Development of Villas at Aventura
(PRD/CPZ-96-0638). (University Community Area.
District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1085) ADOPTED AS RESOLUTION R-290043

Resolution summarily vacating a portion of Lebon Drive in connection with PRD/CPZ-96-0638 and in accordance with Section 8300 et seq. of the Public Streets and Highways Code.

Subitem-B: (R-98-1086) ADOPTED AS RESOLUTION R-290044

Resolution summarily vacating slope and drainage easements in Lot 5, Map-9449 in connection with PRD/CPZ-96-0638 and in accordance with Section 8300 et seq. of the Public Streets and Highways Code.

CITY MANAGER SUPPORTING INFORMATION:

The developer of Villas at Aventura (PRD/CPZ-96-0638) has requested the proposed street and easement vacations to unencumber the land and facilitate future development of the property. The vacation actions have been approved in concept as part of the development permit. The area of Lebon Drive to be vacated totals 4,203 square feet (.10 acre) and is located in the R-1000 zone. The slope and drainage easements to be vacated total 18,597 square feet (.43 acre) and 1,723 square feet (.04 acre) respectively. The easements to be vacated were granted to the City at no cost. The easements have never been used for the purposes intended and there are no future plans to install either drainage facilities or to construct additional roadway. Staff review of the street and easement vacations indicates that the four required findings for their abandonment can be made and they may be summarily vacated.

FINDINGS:

1. There is no present or prospective use for the portion of Lebon Drive petitioned for vacation or for slope and drainage easements for the purpose for which they were originally acquired or for any other use of a like nature.
2. The public will benefit from the vacation and abandonments through improved utilization of the land.
3. The vacations are consistent with the approved Community Plan.

4. The street system and the drainage system for which the right-of-way and easement were originally acquired will not be detrimentally affected by these vacations.

FILE LOCATION: SUBITEM A: STRT-J-2882; SUBITEM B: DEED
F-7227

COUNCIL ACTION: (Tape location: A572-B635.)

Hearing began at 2:45 p.m. and halted at 3:34 p.m.

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTIONS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-203:

SUBJECT: Adoption of the Master Lease Agreements with State Street Bank and Trust, N.A., Koch Financial Corporation, and Stone and Youngberg LLC for Financing the Acquisition of Equipment through Lease-Purchase. (See City Manager Report CMR-98-81.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/20/98. (Council voted 6-1. District 7 voted nay. District 8 and Mayor Golding not present):

(O-98-118) ADOPTED AS ORDINANCE O-18510 (New Series)

Authorizing Master Lease Agreements with the following: State Street Bank and Trust, N.A., to serve as the lease provider for the 3, 4, 5, 6 and 7-year lease terms;

Koch Financial Corporation to serve as a primary back-up lease provider for the 3, 4, and 6-year lease terms and as a secondary back-up for the 5-year lease term;

Stone and Youngberg LLC to serve as a primary back-up lease provider for the 5 and 7-year lease terms.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A572-B635.)

Hearing began at 2:45 p.m. and halted at 3:34 p.m.

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND
ADOPT THE ORDINANCE. Second by Wear. Passed by the
following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

ITEM-204:

SUBJECT: Second Amendment to the Agreement with EMCON for the
Underground Storage Tank Management Program.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on
4/20/98. (Council voted 7-0. District 8 and Mayor Golding
not present):

(O-98-106) ADOPTED AS ORDINANCE O-18522
(New Series)

Authorizing a second amendment to the agreement with
EMCON to provide professional services for the City of
San Diego's Underground Storage Tank Management
Program.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A572-B635.)

Hearing began at 2:45 p.m. and halted at 3:34 p.m.

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND
ADOPT THE ORDINANCE. Second by Wear. Passed by the
following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

ITEM-205:

(Trailed as Unfinished Business from the meeting of April 21, 1998, Item 336, due to lack of 5 votes.)

SUBJECT: Four actions related to North Bay Revitalization Program.

(Midway/Pacific Highway Corridor, Old Town, Uptown, Mission Valley, Clairemont Mesa and Linda Vista Community Areas. Districts-2 & 6.)

NOTE: See Item 601 of the Special Joint Meeting Docket of 5/4/98 and the Redevelopment Agency Agenda of 5/4/98 for companion items.

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A and B; introduce the ordinances in Subitems C and D:

Subitem-A: (R-98-1002) ADOPTED AS RESOLUTION R-290045

Adopting amendments to the Linda Vista, Clairemont Mesa, Old Town, Peninsula, and Midway-Pacific Highway Corridor Community Plans, and the City of San Diego Local Coastal Program Land Use Plan;

Adopting an amendment to the Progress Guide and General Plan for the City of San Diego to incorporate the updated plan amendments;

Finding that the proposed plan amendments are consistent with the City-adopted Regional Growth Management Strategy, and directing the City Clerk to transmit a copy of the resolution to SANDAG in its capacity as the Regional Planning and Growth Management Review Board;

Declaring that the community plan amendments, including the associated amendment to the Progress Guide and General Plan, and the application of the Community Plan Implementation Overlay Zone, will become effective immediately, except for those areas within the coastal zone, which will become effective upon California Coastal Commission certification of the amendments, as submitted, to the Local Coastal Program.

Subitem-B: (R-98-1003) ADOPTED AS RESOLUTION R-290046

Certifying that Environmental Impact Report SCH-97091022 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines; that the report reflects the independent judgement of the City as Lead Agency; that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of the North Bay Revitalization Program; adopting the findings made with respect to the project; adopting the Statement of Overriding Considerations; adopting the Mitigation, Monitoring and Reporting Program.

Subitem-C: (O-98-99) INTRODUCED, TO BE ADOPTED MAY 18,
1998

Introduction of an Ordinance rezoning various properties in the Linda Vista, Clairemont Mesa, Old Town San Diego, Peninsula, and Midway/Pacific Highway Corridor Community Planning Areas, into the CC-1-1, CC-3-4, CC-5-1, RM-3-7, RM-2-5, CV-1-2, CC-5-4, CO-1-2, IS-1-1, and R (Rosecrans) Zones;

Applying the Community Plan Implementation Overlay Zone (CPIOZ-B) to various properties in the Clairemont Mesa and Midway/Pacific Highway Corridor Community;

Removing the Community Plan Implementation Overlay Zone (CPIOZ-B) from various properties in the Linda Vista and Midway/Pacific Highway Corridor Communities.

Subitem-D: (O-98-103) INTRODUCED, TO BE ADOPTED MAY 18,
1998

Amending Chapter X, Article 3, Division 2, of the San Diego Municipal Code by amending Sections 103.0204 and 103.0205 relating to the Old Town San Diego Planned District Ordinance.

FILE LOCATION: SUBITEMS A AND B: MEET (North Bay)(66);
SUBITEMS C AND D: NONE

COUNCIL ACTION: (Tape location: C181-480.)

Hearing began at 3:50 p.m. and halted at 4:09 p.m.

MOTION BY STALLINGS TO MOVE APPROVAL OF AGENCY AGENDA NO. 1A AND 1B, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE NORTH BAY REDEVELOPMENT PROJECT AS PER THE RESOLUTION, AND APPROVING THE PROPOSED REDEVELOPMENT PLAN FOR THE NORTH BAY REDEVELOPMENT PROJECT. THIS MOTION INCORPORATES LATEST REVISIONS STATED IN THE APRIL 17, 1998 CITY MANAGER'S MEMO AND PREVIOUSLY DISCUSSED AT THE HEARING OF APRIL 7. IN ACCORDANCE WITH SECTION 510.7 OF THE REDEVELOPMENT PLAN FOR THE NORTH BAY REDEVELOPMENT PROJECT, THE AGENCY HEREBY PERMITS THE USE OF THE FOLLOWING DESCRIBED LAND IN THE PROJECT AREA FOR INTERIM USES THAT ARE NOT CONSISTENT WITH THE EXISTING ZONING FOR THE PROPERTY, WITH SUCH PERMISSION TO BE EFFECTIVE UNTIL THE ZONING AMENDMENT FOR THE PROPERTIES APPROVED CONCURRENTLY WITH THIS RESOLUTION BECOMES EFFECTIVE PURSUANT TO THE ORDINANCE ADOPTING THE AMENDMENT. THE AFFECTED LAND REFERRED TO IS APN #436-54-9, 10, 11, 12, 13, 14, 15, AND 16.

THAT THE COUNCIL APPROVE ITEM 601 A THROUGH D INCLUDING THE ADOPTION OF THE WRITTEN FINDINGS IN RESPONSE TO WRITTEN COMMENTS TO THE NORTH BAY PLAN AND THE ORDINANCE APPROVING THE ADOPTION OF THE NORTH BAY REDEVELOPMENT PLAN WITH THE UNDERSTANDING THAT THIS DOES NOT CONSTITUTE A FUNDING OR IMPLEMENTATION PLAN FOR THE BAY-TO-BAY COMPONENT OF THIS PROJECT AND THAT ANY FUTURE FUNDING PROPOSAL WILL RETURN TO THE COUNCIL FOR APPROVAL. ADDITIONALLY, I WOULD LIKE TO MOVE APPROVAL OF THE AMENDMENTS TO THE COMMUNITY PLANS IN COUNCIL DOCKET ITEMS 205 A THROUGH D INCORPORATING THE LATEST REVISIONS OR CLARIFICATIONS INCLUDED IN THE MANAGER'S MEMO DATED APRIL 20, 1998. MOVE TO ADOPT THE RESOLUTIONS FOR SUBITEMS 205A AND 205B, AND INTRODUCE THE ORDINANCES FOR SUBITEMS 205C AND 205D. IN ADDITION, MOVE THAT THE CITY COUNCIL PROCEED WITH THE DESIGN STUDIES TO IMPLEMENT THE CONNECTION OF THE KNOXVILLE STREET TO WEST MORENA BOULEVARD.

Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea (nay on the EIR), Stevens-yea (nay on the EIR), Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-206:

SUBJECT: FY 1998 Budget and Carryover of Prior Year Funds for
the San Diego Convention Center Corporation.

(See City Manager Report CMR-97-158. Centre City
Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-35 Rev.) ADOPTED AS RESOLUTION R-290047

Approving the Fiscal Year 1998 proposed San Diego
Convention Center Corporation Budget, which totals
\$19,082,201 and includes San Diego Concourse (CPAC)
operations;

Authorizing the appropriation of fund balance in the
amount of \$555,000 in the New Convention Facility Fund
10225 for the San Diego Convention Center Corporation.

CITY MANAGER SUPPORTING INFORMATION:

The Fiscal Year 1998 budget for the San Diego Center Corporation was returned to the City Manager at the City Council meeting of September 8, 1997 for further review, in order to allow the budget to be considered in conjunction with the Management Agreement between the City and the Corporation, which was undergoing revision at the time. Negotiation of the revised Management Agreement is continuing and will come forward for City Council review at a later date. City Manager Report CMR-97-158, dated September 3, 1997, describes the Corporation's Fiscal Year 1998 budget which totals \$19,082,201. Additionally, in May 1997, the San Diego Convention Center Corporation identified unexpended funds in the Fiscal Year 1997 budget to be carried over and expended in Fiscal Year 1998 for various purposes. The identified needs are as follows:

Expansion Marketing Expenditures	\$165,000
Insurance Deductible Reserve	\$ 74,000
Facility Capital Equipment and Leasehold Improvements	\$316,000
Total	\$555,000

The Convention Center Corporation Board approved these items in May 1997. The request was deferred until Fiscal Year 1998 to determine the final outcome of the Convention Center Corporation's Fiscal Year 1997 operating results, to ensure that sufficient funds are available. Sufficient savings was achieved last year to allow the carryover of these funds.

Aud. Cert. 9801165.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C481-D039.)

MOTION BY WARDEN TO ADOPT THE RESOLUTION. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

ITEM-207:

SUBJECT: Three actions related to Inviting Bids for Construction of Water and Sewer Group 529.

(Midway and Peninsula Community Areas. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-992) ADOPTED AS RESOLUTION R-290048

Inviting bids for the Construction of Water and Sewer Group 529 on Work Order Nos. 172971/182781;

Authorizing a contract with the lowest responsible bidder;

Authorizing the expenditure of not to exceed \$1,425,293 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement and not to exceed \$2,054,289 from Water Revenue Fund 41500, Water Construction Outlay Fund 70592, CIP-73-083.0;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves,

provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury. (BID-K98076C)

Subitem-B: (R-98-991) ADOPTED AS RESOLUTION R-290049

Authorizing the use of City Forces to make connections and perform operational checks involving Construction of Sewer and Water Replacement Group Job 529; declaring that the cost of the work shall not exceed \$307,618 from Water Revenue Fund 41500.

Subitem-C: (R-98-990 Cor. Copy) ADOPTED AS RESOLUTION
R-290050

Certifying that the information contained in Mitigated Negative Declaration DEP-94-0663, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines; that the declaration reflects the independent judgement of the City of San Diego as Lead Agency; that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of Construction of Water and Sewer Group 529; adopting the Mitigation, Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

Sewer and Water Main Replacement Group 529 will replace approximately 11,307 feet of water mains, and 6,391 feet of sewer mains along Rosecrans Street, in the Peninsula and Midway Community Areas. Having served the area for up to 61 years, the existing water facilities have experienced many breaks. This project will alleviate these breaks and provide a more reliable water distribution system for the service area well beyond the foreseeable future. The existing concrete sewer mains have served the area for up to 66 years and experienced 12 stoppages since 1972. This project will eliminate these stoppages and provide a more reliable sewage collection system for the service area. CalTrans is scheduled to resurface Rosecrans Street (curb to curb) once the sewer and water work is finished.

WWF-CSD-98-318.

FILE LOCATION: SUBITEMS A THRU C: W.O. 172971/182781
CONT - Dietrich Corporation

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTIONS. Second
by Wear. Passed by the following vote: Mathis-yea,
Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-208:

SUBJECT: Amendment No. 17 with Montgomery Watson Americas, Inc.
for Program Management.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1170) ADOPTED AS RESOLUTION R-290051

Authorizing a seventeenth amendment to the agreement
with Montgomery Watson Americas, Inc., for program
support services to the Metropolitan Wastewater
Department;

Authorizing the expenditure of \$12,742,068 to provide
funds for this amendment, with each succeeding
authorization to supplement previous authorizations for
the purpose of executing the contract, as follows:

\$6,392,557 from the Fiscal Year 1999 Capital
Improvement Program appropriations, contingent on
Council approval of the FY99 CIP budget;

\$3,621,874 from the Fiscal Year 2000 Capital
Improvement Program appropriations, contingent on
Council approval of the FY2000 CIP budget;

\$2,727,637 from the Fiscal Year 2001 Capital
Improvement Program appropriations, contingent on
Council approval of the FY2001 CIP budget.

CITY MANAGER SUPPORTING INFORMATION:

In March, 1988, the City Council approved the agreement with Montgomery Watson Americas, Inc., for Program Management Services for the Metropolitan Wastewater Department (MWWD). Over the past ten years, the agreement has been amended 16 times to provide for changes in the Metropolitan Wastewater Plan. During this period, Montgomery's staffing has gone from a peak of 75 in 1991 to its current level of approximately 40 (April 1, 1998). Amendment No. 17 will extend the agreement by 36 months from June 30, 1998 to June 30, 2001 and will provide for the Program Manager to continue to support (at a continually reducing level) MWWD in implementing the Metropolitan Wastewater Plan. Support Services to be provided include: public participation; scheduling, controls and cost estimating; engineering; facilities planning; and operation and maintenance. During the 36 month period of Amendment No. 17, Montgomery's staff will reduce from its current level of 40 to 0 in July, 2001. Amendment No. 17 will increase the not-to-exceed amount of the agreement by \$12,742,068 from \$89,843,888 to \$102,585,956. Amendment No. 17 complies with the phase out of the Program Manager by July 1, 2001 as contained in the Select Committee's Zero Base Management Review of MWWD. Total MBE and WBE through Amendment No. 17 will be approximately 12.1 percent and 4.4 percent respectively.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTION. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-209:

SUBJECT: Proposed Amendments to the Municipal Advocates
(Municipal Lobbying) Ordinance.

(See City Clerk Reports CC-98-05 and CC-98-04.)

CITY CLERK'S RECOMMENDATION:

Introduce the following ordinance:

(O-98-107) INTRODUCED, TO BE ADOPTED MAY 18, 1998

Introduction of an Ordinance amending the San Diego Municipal Code by repealing Chapter II, Article 9, Division 1, Sections 29.0101, 29.0102, 29.0103, 29.0104, 29.0105, 29.0106, 29.0107, 29.0108, 29.0109, 29.0110, 29.0111, 29.0112, 29.0113, 29.0114, 29.0115, 29.0116; by amending the Title of Chapter II, Article 7; and by adding New Chapter II, Article 7, Division 40, Sections 27.4001, 27.4002, 27.4003, 27.4004, 27.4005, 27.4006, 27.4007, 27.4008, 27.4009, 27.4010, 27.4011, 27.4012, 27.4013, 27.4014, 27.4015, 27.4016, 27.4017, 27.4018, 27.4019, 27.4020, 27.4021, 27.4022, 27.4023, 27.4024, 27.4025, 27.4026, 27.4027, 27.4028, all relating to the Municipal Lobbying Ordinance.

RULES COMMITTEE'S RECOMMENDATION:

On 2/2/98, RULES voted 3-0 to accept the report and approve the main provisions of the ordinance and to return with revised language for "Legislative Action" as well as proposed recommendations on other issues including how a Cost of Living Adjustment could be incorporated, where the proposed ordinance differs from State law, and the types of employees that would be covered by the proposed ordinance. As part of the motion the Committee recommended that the City's other agencies adopt a similar ordinance regarding Municipal Lobbying. (Councilmembers Mathis, McCarty and Mayor Golding voted yea. Councilmembers Wear and Warden not present.)

On 3/23/98, RULES voted 4-0 to approve the proposed Municipal Lobbying Ordinance as prepared by the City Clerk with provisions for reporting compensation received by lobbyists, and to provide for a Cost of Living Adjustment(COLA) for the registration threshold, and to refer to the City Manager for discussion during the next revisions of Council Policy 600-24 any recommended changes in reporting requirements for Community Planning Groups. (Councilmembers Mathis, Wear, Warden and McCarty voted yea. Mayor Golding not present.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A572-B635.)

CONSENT MOTION BY MATHIS TO INTRODUCE THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-210:

SUBJECT: Consideration of nominees for appointment to the Centre City Development Corporation Board of Directors.

(See memorandum from Mayor Golding dated 4/27/98 with resumes attached.)

MAYOR GOLDING'S RECOMMENDATION:

Consider the following list of nominees and select two to fill vacancies on the Centre City Development Corporation Board of Directors:

NOMINEE	NOMINATED BY
Lynne Heidel (Reappointment)	Mayor Golding Deputy Mayor Wear Councilmembers Kehoe and Warden
Doug Austin (Business-Finance) (Replacing Milton Fredman, whose term has expired)	Mayor Golding Deputy Mayor Wear Councilmember Warden
Max Schmidt (Business-Finance) (Replacing Milton Fredman, whose term has expired)	Councilmembers Stallings and Stevens

TODAY'S ACTION IS:

(R-98-1226) ADOPTED AS RESOLUTION R-290052

Adoption of a Resolution making two appointments for three-year terms ending May 1, 2000.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D040-100.)

The first ballot was taken, and Clerk Abdelnour announced the tally for Round 1: Austin-6; Heidel-9; Schmidt-3.

MOTION BY COMMON CONSENT_TO_ADOPT THE RESOLUTION CONFIRMING THE APPOINTMENTS OF LYNNE HEIDEL AND DOUG AUSTIN FOR THREE YEAR TERMS ENDING MAY 1, 2000. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 5:54 p.m. in honor of the memory of:

Alejandro Osuna Herrera as requested by Council Member Warden,

Benjamin McCaffery, Jr. as requested by Council Member McCarty,

Ruben Ramirez Landa as requested by Council Member McCarty,

Maria Reyes as requested by Council Member Vargas,

Simon Theodore Evans as requested by Mayor Golding,

Harry S. Schrader, Jr. as requested by Council Member Mathis,

John Koehler as requested by Council Member Kehoe, and

Ted Lambron as requested by Council Member McCarty.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: F059-126).